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Date: September 10, 2004  
By: [Signature]  
Walter F. Gadland, Reg. No. 37,136

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

J. Peter KLEIN et al.

Atty. Ref.: 4377-38; Confirmation No. 9861

Appl. No. 09/544,984

TC/A.U. 1617

Filed: April 7, 2000

Examiner: WANG, Shengjun

For: THERAPEUTIC COMPOUNDS FOR INHIBITING INTERLEUKIN-12 SIGNALS AND  
METHOD FOR USING SAME

\* \* \* \* \*

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SECOND AMENDMENT AFTER FINAL REJECTION**

This paper is being filed in response to an Advisory Action mailed September 9, 2004, and a Final Office Action dated March 15, 2004. Please grant a third-month extension of time for entry of this paper, if needed to maintain pendency. Please charge the small entity extension of time fee to Deposit Account No. 14-1140.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.

PAGE 2/6 \* RCVD AT 9/10/2004 6:03:34 PM [Eastern Daylight Time] \* SVR:USPTO-EFAXF-1/0 \* DNS:8729307 \* CSD:7038164100 \* DURATION (mm:ss):01:48<sup>211</sup>

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J. Peter KLEIN et al.  
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September 10, 2004

Atty. Docket No.: 4377-38

5,807,861 (Klein et al.). In response to these rejections, Applicants have concurrently filed herewith an appropriate Terminal Disclaimer of the above-identified patents. Applicants respectfully submit that the rejections are overcome and should be withdrawn

### CONCLUSION

It is believed that this application is now in condition for allowance. If anything further could be done to place the above-captioned patent application in better condition for allowance (i.e., via Examiner's Amendment), then please contact the undersigned attorney at the telephone number listed below.

Please grant any further extension(s) of time deemed necessary for entry of this communication. To the extent necessary to maintain pendency of this application, Applicants request that a Notice of Appeal of the pending Final Office Action be entered. The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper filed hereafter, including the above-reference provisional Notice of Appeal) to Deposit Account No. 14-1140. Please credit any overpayment of fees to such Deposit Account.

Respectfully submitted,

NIXON &amp; VANDERHYE P.C.

Date: September 10, 2004By: 

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